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TECHNOLOGY CENTER R3700

In re application of:  
Khouri

Serial No.: 09/818,812

Examiner Lacyk, John P.

Filed: March 27, 2001

Group Art Unit 3736

For: METHOD AND APPARATUS FOR  
SOFT TISSUE ENHANCEMENT

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RESPONSE B

The following remarks are made in response to the Office Action of Paper No. 10, mailed February 12, 2003.

Substitute Pages

In the Office Action of Paper No. 7, mailed August 28, 2002, a substitute page 17 was requested because the original page 17 of the specification ended with the claims beginning on the same page. The request for a substitute page 17 was renewed in the current Office Action because the page was apparently not among the papers reviewed by the Examiner as Applicant's submittal of Amendment and Response A on November 26, 2002. A substitute page 17 is included herewith as requested in the current Office Action and contains the same text as paragraph [0051] submitted with the original application. No new matter has been entered. Applicant has also included a substitute page for the abstract as it appears that the abstract was not included on its own separate page as required pursuant to 37 C.F.R. § 1.72(b).

Non-Statutory Double Patenting Rejection

In the Office Action, claims 1-20 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Pat. No. 6,500,112. Submitted herewith is a terminal disclaimer to overcome the double patenting rejection. It is submitted that claims 1-20 are now in a condition for allowance.

Interfering Subject Matter

In view of the above, the application is now in a condition for allowance, and pursuant to 37 C.F.R. § 1.607 and the Notice of Interfering Subject Matter filed by Applicant on March 27, 2001, Applicant respectfully requests the interference be declared with U.S. Pat. No. 6,042,537, issued March 28, 2000, to Kaiser (App. Ser. No. 08/915,540, filed August 13, 1997).

CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the application is in a condition for allowance and requests that the interference be declared.

Respectfully submitted,  
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